

CASCADE COUNTY JUVENILE DETENTION CENTER		POLICIES AND PROCEDURES	
CHAPTER: Admissions and Discharges	POLICY NO: 4.4	PAGES: 1 OF 12	
SUBJECT: Prison Rape Elimination Act (PREA)	SIGNATURE: Shanna Bulik-Chism, MS/CJ		
ORIGINAL ISSUE DATE: February 2, 2007	RELEVANT STANDARDS: PREA Public Law 108-179; ARM 20.9.619, 20.9.635; ACA 2C-02-01, 3D-06-2, 3-6, 8-10; MCA 45-5-501, 45-5-502		
MOST RECENT REVISED DATE: February 9, 2016			

- I. POLICY:** The Cascade County Juvenile Detention Center will screen all youth held in secure detention, to identify offenders likely to engage in sexual or assaultive behavior with peers, or be at risk of sexual victimization. The Center has a zero tolerance for any type of sexual abuse or sexual harassment. This type of behavior, and all allegations, regardless of the source, will be fully investigated. The Center will pursue disciplinary action, and refer for criminal investigation and prosecution, those who violate the requirements set forth in this policy. Administration, Shift Supervisors and Detention Officers will work together to determine which precautions may be appropriate for each youth's unique situation. All staff will sign off that they understand the Prison Rape Elimination Act (PREA) and reporting requirements, and this documentation will be maintained in the employee's personnel file. When an allegation is made or an incident occurs, every effort will be made to protect the rights of the youth and/or the staff. All case records associated with claims of sexual abuse and/or assault, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post release treatment and/or counseling will be retained for ten years.

II. DEFINITIONS:

- A. **Consensual Sex Act:** Consensual sex between juveniles or juveniles and adults is not allowed and will be addressed by the Center's and/or County's disciplinary procedures. If applicable, criminal charges may be filed.
- B. **Gender Identity:** A person's internal, deeply felt sense of being male or female, regardless of the person's sex at birth.
- C. **Gender Nonconforming:** A person whose gender identity and/or expression do not conform to gender stereotypes generally associated with his or her birth sex.
- D. **Grooming Behaviors:** Actions by the perpetrator to set up the victim for sexual contact and is part of the aggressor's pre-assault pattern. It is a way of gauging victim responses to intrusive behaviors, directions, or boundary violations.
- E. **Intersex:** A condition usually present at birth that involves reproductive, genetic, or sexual anatomy that does not seem to fit the typical definitions of male or female.
- F. **Nonconsensual Sexual Act:** Any sexual penetration by one person with another person in which the other person involved does not freely consent, or cannot consent due to age or mental capacity to participate in sexual activity, and/or the relationship between the persons is unequal, or manipulation, exploitation, coercion, verbal or physical intimidation, or force is used to gain participation. Any contact between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion of any part of the body of one person, or of any object into the sex organ, mouth or anus of another person, by the use of force or threat of force.
- G. **Nonconsensual Sexual Contact:** Non-penetrative touching directly or through clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks perpetrated by another offender if the victimized offender does

- not consent or is mentally incapable of consent, or is perpetrated by an employee, contractor, or volunteer, unless the act is part of a lawful search.
- H. **NR: No Roommate Status.** Classification for youth signifying they are not to be housed in the same cell with other youth.
 - I. **Preponderance of Evidence:** This standard is satisfied if the evidence shows that it is more probable than not than an event occurred.
 - J. **Service Providers:** Includes contracted persons, volunteers, interns, or other vendors providing services in the facility.
 - K. **Sexual Abuse:** Encompasses youth-on-youth sexual abuse/harassment or staff-on-youth sexual abuse/harassment.
 - L. **Sexual Aggressor/Victimization Predictor Scales:** A risk assessment questionnaire given to all new intakes immediately upon admission. The results of the assessment are intended to ascertain a potential risk for victimization, aggression or No Roommate designation.
 - M. **Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, verbal comments, gestures or actions of a derogatory or offensive sexual nature by one person directed toward another.
 - N. **Staff First Responders:** The first staff member to respond to the report of allegations made of sexual abuse or sexual harassment.
 - O. **Transgender:** A term describing persons whose gender identity and/or expression do not conform to the gender roles assigned to them at birth.
 - P. **Undue Familiarity:** A term describing inappropriate actions between staff and juveniles such as flirting, making suggestive sexual remarks, off colored jokes, etc.
 - Q. **Victim Advocate:** An individual who provides victims with a range of services during the forensic exam and investigatory process.
 - R. **Youth-on-Youth Sexual Assault:** For the purpose of this policy, this means one or more juvenile offenders engaging in, or attempting to engage in unwanted sexual contact with another juvenile offender by force, the use of threats, intimidation, inappropriate touching, or other actions and/or communications by one or more juvenile offenders aimed at coercing and/or pressuring another juvenile offender to engage in a sexual act.

III. PROCEDURES: The PREA Coordinator/Administrator will be responsible to identify, monitor, and track staff sexual misconduct, harassment, and nonconsensual sexual acts and contact. The PREA coordinator will ensure that all staff are in compliance with PREA training requirements, and will compile and report statistical data to the Federal Bureau of Justice and the State PREA Coordinator as requested.

- A. **Supervision and Monitoring:** Shift Supervisors and Administration will conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment.
 - 1. These rounds will occur on all shifts, and staff is prohibited from alerting other staff members that the supervisory rounds are occurring. Documentation of these rounds will be maintained in the Administrator's office.
 - 2. Detention Officers will provide the supervision necessary to ensure that the youth in their care, custody or control, are protected from sexual abuse.
- B. **First Responder Duties: Refer to the First Responder Checklist.** In the event, sexually abusive or assaultive behaviors are alleged, threatened, or occurred, staff will take immediate action to intervene in the behavior and ensure the safety of all persons involved.
 - a. **Separate the victim from the offender**
 - b. **Address the need for Acute Medical Treatment**
 - c. **Preserve/Protect Crime Scene. Secure the scene and do not clean up the scene or the victim until directed to by law enforcement or the Administrator. (Refer to Policy 3.10).**
 - d. **Immediately contact Administration and the PREA Coordinator for further direction.**
 - e. **Request that the victim and the offender do not take any action that could destroy evidence (washing, brushing teeth, urinating, defecating, changing clothes, eating/drinking, etc.)**

- f. *If the first responder is not an employee (volunteer, foster grandparent, etc.), they are to request that the person they are speaking with, whether the victim or the offender, not take any actions that could destroy evidence, and then immediately notify an Officer.*
 - g. Administration and law enforcement will work together to determine the sequence of actions once the report has been made.
 - h. If the sexual assault/abuse occurred within the last 72 hours, the law enforcement officer will determine if a referral to the hospital is required. Referrals will be made to a medical facility where trained professionals will gather evidence, examine the youth, and make assessments and referrals as necessary.
 - a. If the sexual assault/abuse occurred more than 72 hours before the initial complaint, law enforcement may request evidence collection, but it will be up to the hospital staff to make the final determination whether a rape kit will be completed.
- C. **Forensic Medical Exams:** Forensic examinations will be conducted at no cost to the youth. Every attempt will be made to have the exam conducted by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Practitioner (SANE). If SAFE or SANE examiners are not available, the examinations will be performed by another qualified medical practitioner. The Center will document in the incident report their efforts to provide SAFE or SANE professionals.
- a. A victim advocate will be offered to the youth to support them during the medical exam, and investigatory interviews.
 - b. Provisions will be made for the testing for sexually transmitted diseases, prophylactic treatment, and release of information for the purpose of medical management of involved persons.
 - c. The Center will provide follow up by a mental health and/or medical professional to assess the need for ongoing treatment, intervention, and counseling.
- D. **Staff Training:** All staff (detention officers, service personnel, mental health, etc.) will receive orientation and annual training to gain the insight and skills necessary to recognize and address the warning signs of sexually abusive or assaultive behavior between youth, as well as the appropriate interventions necessary when they become aware of such behavior. Training will be tailored to the unique needs, attributes and gender of youth that staff encounters in the center. The center will document the understanding of the training by employee signature or electronic verification in the personnel files. Staff will be trained on the following:
- 1. The Center's zero-tolerance for sexual abuse and sexual harassment
 - 2. Staff's responsibility to prevent, detect, respond, and report sexual abuse/harassment
 - 3. Youth's rights to be free from sexual abuse and sexual harassment
 - 4. How to assess and report signs of sexual abuse and sexual harassment
 - 5. How to preserve a crime scene and evidence of sexual abuse
 - 6. How to respond effectively and professionally to victims of sexual abuse and sexual harassment
 - 7. How to report allegations or suspicions of sexual abuse and sexual harassment;
 - 8. The right of youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment
 - 9. The common reactions of juvenile victims of sexual abuse and sexual harassment
 - 10. The dynamics of sexual abuse and sexual harassment victims
 - 11. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth
 - 12. How to avoid inappropriate relationships with youth
 - 13. How to communicate effectively and professionally with youth, including lesbian, gay,

- bisexual, transgender, intersex, or gender nonconforming youth
14. Mandatory reporting requirements regarding sexual abuse to outside authorities
 15. The relevant laws regarding the applicable age of consent.
- E. **Volunteer and Service Provider Training:** Annual training of all volunteers and service providers will be based on the services they provide and level of contact they have with youth. All volunteers and service providers will be notified of the center's zero-tolerance policy regarding sexual abuse and sexual harassment prevention, detection, response policies and procedures, and their responsibilities under PREA in reporting such incidents. The center will document the understanding of the training in their individual files.
- a. Service Providers/volunteers who engage or attempt to engage in any type of abuse are prohibited from contact with youth and they will be reported to law enforcement (unless the activity was clearly not criminal), and the Department of Corrections Licensing Specialist. The Center shall take appropriate remedial measures, and shall consider whether to prohibit further contact with youth, in the case of any other violation of Center sexual abuse/harassment policies by a service provider/volunteer.
- F. **Specialized Training—Investigations:** Law Enforcement shall be required to follow their investigatory policies on sexual assault cases. Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a cause for administrative action or prosecution referral.
- G. **Youth Education:** During admission staff will communicate to offenders, verbally and in writing, in an age-appropriate fashion the youth's rights to be free from sexual abuse/harassment, and to be free from retaliation for reporting incidents. They will also receive information on how to identify sexual misconduct and harassment, and the policies and procedures followed by staff for responding to these types of cases.
1. During the booking process youth will be read the Prison Rape Elimination Act Pamphlet from the digital recorder, and given information concerning the following:
 - a. Prevention/intervention
 - b. Self-protection
 - c. Reporting sexual abuse/harassment
 - d. Treatment and counseling
 - e. The Center's zero tolerance for sexual activity, abuse, or harassment. Sexual activity between youth is prohibited even when it is consensual. (Sexual activity between youth that was not coerced does not constitute sexual abuse).
 - f. Consequences for false reporting
 2. The youth will be offered a copy of the PREA pamphlet, and this acceptance/denial will be documented on the PREA Acknowledgment form.
 - a. Each youth will sign the Youth Orientation Packet/PREA Acknowledgement form verifying that they have been given this information. This form will be maintained in the youth's detention file.
 3. PREA posters will be visible in all areas of the facility that youth have access to.
 4. The Center will take appropriate steps to ensure that youth with disabilities (deaf, blind, intellectual, psychiatric, low functioning reader, limited English proficient, etc.) have an equal opportunity to participate in the orientation process.
 - a. Information will be communicated to the youth orally and in writing in language clearly understood by the juvenile. Interpreters will be used as necessary to

communicate with the youth.

- b. The Center will not rely on resident interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise a youth's safety, the performance of first responder duties, or the investigations of a youth's allegations.

H. **Prevention and Intervention:** Upon admission staff will complete a PREA screening and Sexual Aggressor/Victimization Predictor Scale with all youth. The Scale will be completed by using information obtained during the PREA screening and Intake interview to ascertain whether the youth requires special precautions monitoring.

1. If the Sexual Victimization Predictor Scale indicates that the youth is a Confirmed Victim (CV) of Sexual Assault, or Potential Victim (PV) of Sexual Assault; note this on the outside of the youth's file and on dry erase board next to the youth's name and cell assignment.
2. If the Sexual Aggressor Predictor Scale indicates that the youth is a Confirmed Sexual Aggressor (CSA), or a High Risk Sexual Predator (HRSP); note it on the outside of the youth's file, and on the dry erase board next to the youth's name and cell assignment.
3. Document the findings of both scales in the youth's progress notes. The daily behavior of all youth shall be monitored and evaluated as part of an on-going identification of risk.
4. The original screening form and predictor scales will be maintained in the youth's file.
5. If the screening indicates that the youth has experienced prior sexual victimization or has perpetrated sexual abuse, regardless of where or when it occurred, staff will notify the Mental Health Therapist.
 - a. The Center will ensure that the youth is offered a follow-up meeting with a medical or mental health professional within 14 days of the intake screening. The Center will provide a confidential meeting area in order to assist with mental health assessments and ongoing counseling if necessary.
 - b. If an outside referral is necessary and cannot be done at the Center, staff will facilitate transportation. The placing agency will be contacted prior to an outside mental health or medical referral, since they are ultimately responsible for payment.
6. **Sensitive information will not be exploited to the youth's detriment by staff or other youth. Information received during the screening is to be used for its designated purpose and appropriate confidentiality will be maintained.**
7. Information obtained in the screening will be used to make housing, bed, program, education, and chore assignments for youth with the goal of keeping all youth safe and free from sexual abuse.
 - a. Youth identified as likely to engage in sexually abusive or assaultive behavior with peers, or be at risk of sexual victimization will be placed on NR status, given a single, or be placed in the glassroom for further observation.
 - b. NR will be taped to the front of the youth's file and will be placed on the dry erase board next to the youth's name and cell assignment.
 - c. All staff will be informed of the youth's status to ensure the protection of the youth, other youth in detention, staff, and the community.
 - d. The Center will isolate these youth from the general population due to safety/security concerns when less restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged. Administration in collaboration with the Mental Health Therapist will determine when or if the youth is allowed in general population cells.
8. A youth's sexual identity will not be used as an indicator of the likelihood of being sexually abusive. Should a youth identify as being lesbian, gay, bisexual, transgender,

questioning, or intersex, the staff will consider on a case-by-case basis housing and programming decisions to ensure their health and safety, and whether the placement would present management or security problems.

- a. Staff will be sensitive to transgender and intersex youth's own views with respect to his or her own safety.
 - b. Transgender and intersex youth shall be given the opportunity to shower away from other youth.
 - c. Staff will document in the daily log and youth's file any time a youth is placed in isolation for safety concerns due to their sexual identity. Staff will also document why no alternative means of separation could be arranged (ie: due to physical makeup and gender of current population, no other housing available). The isolation status of the youth will be reviewed weekly by Administration in collaboration with the Mental Health Therapist to determine the continued need for separation from the general population.
9. When a youth is placed in isolation for their own protection following abuse or alleged abuse, they will still be afforded all of the rights of those in general population (1 hour large muscle exercise, educational programming to include any special education they may need, an opportunity to take part in Center programming, daily visits from a mental health professional, chores, etc.).
 10. Staff will closely monitor all youth interactions and to share impressions and concerns about specific situations and youth. Staff will pay special attention to the interactions of sex offenders, due to the increased potential for sexually abusive behaviors in that population.
 11. **If the youth is transferred to another facility, it is the discharging staff's responsibility to ensure that the youth has been educated on the PREA policies and procedures of the new facility they are being transferred to. The youth will be required to sign that they have been educated in and understand the new facilities PREA policies, and this documentation will be maintained in the youth's file.**
- I. **Youth Reporting:** The Center will provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse/harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. The Center will provide youth with access to tools necessary to make a written report.
 1. Youth may report sexual abuse/harassment, retaliation, or neglect to any staff, Administration, nurse, counselor, volunteer, teacher, probation/parole officer, caseworker, attorney, Victim Witness or Voices of Hope advocate, or Immigration and Customs Enforcement Agent (ICE).
 2. The Center shall provide at least one way for youth to report abuse/harassment to a public or private entity or office that is not part of the Center and is able to receive and immediately forward youth reports of sexual abuse/harassment to Administration. Victim Witness, Voices of Hope and ICE will allow youth to remain anonymous upon request. Youth detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and the Department of Homeland Security.
 - a. The mailing address and telephone numbers of Voices of Hope, Victim Witness, and Immigration and Customs Enforcement (ICE) will be posted next to youth phones throughout the facility. Calls to these agencies will not be deducted from the two phone calls/day that youth are allowed to make.
 - b. Reports may be made orally, in writing, by phone, anonymously, or third parties, and

will be considered confidential. All reports of sexual abuse or sexual harassment will be forwarded to the Center for further investigation. The internal investigation will not replace the investigation conducted by law enforcement.

- J. **Staff Reporting:** Staff witnessing or having knowledge of an act which may constitute abuse or neglect, including acts allegedly committed by a staff member, volunteer, other youth, etc. while a youth is in detention, in official custody, or an ex-offender is required to immediately report such abuse or neglect. Failure to report will be considered a serious violation, and disciplinary action will be taken up to and including termination, and/or criminal/civil liabilities.
1. Staff will immediately report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the Center; retaliation against youth or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation
 2. Upon knowledge or suspicion that staff, service providers, or youth have abused or neglected a youth in any manner, the staff will immediately report the information to the Shift Supervisor, Administration, and Mental Health Therapist.
 3. The Administrator/PREA Coordinator or designee will promptly report the allegation to the Cascade County Sheriff's Department and the Department of Health and Human Services (DPHHS). The Cascade County Sheriff's Department will report the allegation to the County Attorney's office, and this will be documented on the PREA incident report.
 - a. Within 24 hours the following will be notified: the Licensing Agent, the alleged victims' probation/parole officer, attorney and parents or legal guardians, unless the facility has a court order establishing no contact with the parents or legal guardians. Notification will include only the nature of the allegation and general information regarding the investigation and the status of the youth.
 - b. If the alleged victim is under the guardianship of DPHHS, the report will be made to the caseworker instead of the parents or legal guardians.
 4. Youth will be offered a Victim Advocate, and this will be documented in the incident report.
 5. The Center will ensure that an administrative and/or criminal investigation is completed for all allegations of abuse, neglect, sexual abuse and sexual harassment.
 - a. The Center will report all allegations of sexual abuse/harassment, including third-party and anonymous reports to Law Enforcement. Law Enforcement will be considered the lead agency, and will determine if criminal charges are warranted.
 - b. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution. The Center will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
 6. The staff reporting the information will complete a PREA Report before leaving shift.
 - a. If there are visible signs of injury, staff are to take pictures of the injury, except in cases where the injury is to the genitals/breasts.
 - b. The PREA Report, along with any pictures or victim/witness statements will be placed in the Administrator's box in a sealed envelope marked CONFIDENTIAL. The original report, pictures and victim/witness statements will be maintained by the Administrator.
 - c. If the sexual abuse/assault is alleged to have occurred by another youth while in the

Center, Administration will review and fax all incident reports within 24 hours of the incident, excluding weekends and holidays, to the Department of Corrections Licensing Specialist, County Attorney and Probation/Parole officer.

- d. If the sexual abuse/assault is alleged against a staff member, volunteer, etc., the Licensing Specialist and Probation/Parole officer will only be notified of the investigation, but not the particulars until it is concluded. The County Attorney, Human Resource Department, Law Enforcement and Administration will follow all applicable county, state, and federal laws and policies pertaining to the investigation.

K. Coordinated Response Plan:

1. All staff and service providers are strictly prohibited from engaging in any type of sexual abuse/harassment with a youth, regardless if it is consensual. If the allegation is against a staff member, depending on the circumstances and seriousness of the allegation, temporarily relieving the staff member of all duties is a possibility to protect both youth and staff. The alleged abuser will not be allowed any type of contact with youth during the investigation. Determining the need for protection of the youth will be the first priority during the investigation. When in doubt, the course of action will be in favor of protection of the youth.
2. Staff can privately report sexual abuse and sexual harassment of youth to Administration, the Department of Health and Human Services and local law enforcement. False reporting by youth or staff will result in disciplinary action, and may result in criminal charges.
3. The Administrator will notify the Cascade County Sheriff's Department and DPHHS of the allegation so an investigation may be initiated.
4. The Administrator will activate an internal investigation to determine whether staff actions or failures to act contributed to the abuse. All internal investigation activity will immediately cease upon the discovery of criminal activity or suspected criminal activity. The internal investigation does not replace the investigation by Law Enforcement or the Department of Public Health and Human Services (DPHHS).
5. All facts gathered during the law enforcement investigation (physical and testimonial evidence, reasoning behind credibility assessments, and investigative facts and findings) must be recorded in writing. Copies of all documentary evidence will be attached where feasible. This report will include all pertinent information and conclusions of the investigation as to whether the allegations are substantiated. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution. Termination shall be the presumptive disciplinary sanction for staff who has engaged in sexual abuse.
6. Confidentiality must be maintained. An accusation of abuse is extremely serious and can affect the professional and personal future of staff. Staff are prohibited from releasing any confidential information related to abuse of any type to anyone not directly involved in the investigation, and only to the extent necessary, to make treatment, investigation, and other security and management decisions.
7. Staff will fully cooperate with any investigation of abuse and neglect, and shall endeavor to remain informed about the progress of the investigation. Failure to do so may subject them to progressive disciplinary action.
8. The Center will continue with an investigation into allegations to completion and findings, even if the alleged abuser or victim has departed the facility or resigned from employment. The Center will not terminate an investigation solely because the source of the allegation recants the allegation.
9. When disciplining staff for violations of this policy, the nature and circumstances of the acts committed, the staff member's disciplinary history, and those sanctions imposed for comparable offenses by other staff with similar histories will be taken into consideration.

All terminations for violations of this policy, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement (unless the activity was clearly not criminal), and the Department of Corrections Licensing Specialist.

10. All documents associated with an investigation (incident reports, abuse/neglect forms, medical and counseling evaluation findings and recommendations, post-release treatment and/or counseling, juvenile information, and law enforcement findings) will be maintained in the Administrator's office, and will be considered confidential.
11. If staff receives information that a youth was abused in any manner while confined at another facility they will immediately report it to the Administrator. The Administrator will then notify the head of the facility where the alleged abuse occurred and the Department of Family Services, Law Enforcement in that area, and the Department of Corrections Licensing Agent within 72 hours. Documentation of the notification will be maintained in the Administrator's office. Once notification is made, it is up to the Licensing Agent and facility head to ensure that the allegation is fully investigated according to state law and PREA standards.

L. **Victim Services:** The Center will provide a victim advocate from Voices of Hope or Victim Witness as requested by youth. Copies of the memorandums of understanding between Victim Witness and Voices of Hope will be maintained in the Administrator's office.

M. **Mental Health and Medical Care:** Mental health and medical care services will be consistent with the community level of care. Mental health and medical providers must inform youth prior to services of their duty to report any types of abuse, and the limitations of confidentiality, unless otherwise precluded by Federal, State, or local law.

1. When these types of providers are working within the facility, they will immediately report any knowledge, suspicion or information they receive regarding an incident of any type of abuse to Administration. Medical practitioners and mental health professionals are mandatory reporters, and must report abuse according to State child abuse reporting laws.
2. Youth victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention service, to the level determined necessary by medical and mental health professionals. If mental health professionals are not on duty at the time of a report of alleged abuse, staff will take steps to protect the victim, and immediately contact Administration.
3. The Center will offer medical and mental health evaluation, and as appropriate, treatment to all youth who have been victimized by sexual abuse in any juvenile facility. The mental health therapist will need to ensure that when the victim is released or transferred from the Center to another facility that there are follow-up services, treatment plans and referrals for continued care when the youth leaves that placement.
4. Treatment services will be provided to victims of sexual abuse without financial cost, regardless of whether the victim names the abuser, and regardless of whether the victim cooperates with any investigation arising out of the incident.
5. Pregnancy tests and emergency contraception will be offered to youth who have been the victims of sexually abusive vaginal penetration while incarcerated, as well as testing for sexually transmitted infections in accordance with professionally accepted standards of care, and as medically appropriate. If pregnancy results from a youth suffering sexually abusive vaginal penetration while incarcerated, the youth will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
6. The Center will attempt to conduct a mental health evaluation of all known youth-on-youth abusers within 60 days of learning of such abuse history, and offer treatment when

deemed appropriate by mental health practitioners.

- N. **Hiring and Promotion Decisions:** The Center prohibits hiring or promoting anyone who may have contact with youth, including enlisting the services of any service providers who has engaged or attempted to engage in sexual activity in the community facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent or was unable to consent. This includes those who have been civilly or administratively adjudicated to have engaged in any of these activities. Background checks will be conducted on all new hires and annually on employees through DPHHS and the Sheriff's department.
1. Within the scope of Federal, State, and local law, the Center will contact all prior institutional employers for information on substantiated allegations of sexual abuse, or any resignation during a pending investigation of an allegation of sexual abuse.
 2. The Center will ask all applicants about previous misconduct.
 3. Employees must disclose all types of sexual misconduct. Employees who purposely omit information, or provide false information regarding any type of sexual abuse or sexual harassment will be grounds for termination.
 4. Upon receiving a request from an institutional employer, and unless otherwise prohibited by law, the Center will provide prospective employers information on substantiated allegations of sexual abuse or sexual harassment involving a former employee.
- O. **Reporting Findings to Youth:** Following an investigation into a youth's allegation of abuse, sexual abuse or harassment in the Center, Administration will request relevant information from the investigating agency in order to inform the youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
1. If the allegation is against a staff member and found to be substantiated, Administration will inform the youth whether the staff member is no longer allowed to work on the unit the youth is housed on; whether the staff member is still employed with the Center; and/or whether the staff member has been indicted or charged with an offense related to abuse within the Center.
 2. If the allegation was against another youth in the Center, and found to be substantiated, Administration will inform the youth whether the youth has been indicted or charged with an offense related to abuse.
 3. If the youth leaves prior to the conclusion of the investigation, the Center is no longer obligated to inform them of the outcome of the investigation. All notifications will be documented in the youth's file as well as a copy maintained in the Administrator's office.
- P. **Disciplinary Sanctions for Youth:** Youth will be disciplined for sexual contact with staff if it is found that the staff member did not consent to the contact. Youth who have been found to have engaged in inappropriate sexual contact will receive sanctions taking into consideration the following:
1. The nature and circumstance of the abuse committed
 2. The youth's disciplinary history
 3. The sanctions imposed for comparable offenses by other youth with similar histories
 4. Did the youth's mental disabilities or mental illness contribute to their behavior

Youth who are placed in isolation will continue to be afforded the following rights:

1. 1 hour of daily large muscle exercise
2. Educational programming and special education services as needed
3. Daily visits from a mental health professional
4. Access to Center programming, chores, etc. to the extent possible

Administration may offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse. Administration may consider whether to require the offending youth to participate in these interventions as a condition of access to any type of behavior based programming, but not to general programming or education.

- Q. Retaliation:** Administration will not tolerate retaliation against offenders, employees, or other parties for reporting or cooperating with an investigation of sexual misconduct. Individuals that retaliate will face disciplinary action. Staff and youth who fear retaliation can speak with the mental health therapist or Administrator/PREA Coordinator.
1. Alternative protection of retaliation for youth may include being moved to another housing area, or to another detention facility if deemed necessary by the Administrator.
 2. Administration will monitor the conduct or treatment of youth and staff after a report of abuse has been made for a minimum of 90 days, to ensure that retaliatory behavior towards those individuals is not occurring.
 3. Administration will monitor youth incident reports, housing changes, program changes, and negative performance of staff. If it is found that possible retaliation has taken place, Administration will take action to remedy the situation.
 4. If Administration feels that monitoring is needed beyond 90 days they will continue to frequently check in with the youth and staff to ensure their safety/security. The Center's obligation to monitor shall terminate if the Center determines that the allegation is unfounded.
- R. Sexual Abuse Incident Reviews:** The Center will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including when the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review will occur within 30 days of the conclusion of the investigation, and will include members of Administration, Shift Supervisors, the Mental Health Therapist, and input from the investigator. The team will consider the following:
1. Whether the allegation or investigation indicated a need to change policy or procedure to better prevent, detect, or respond to sexual abuse
 2. Whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, questioning, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics in the facility
 3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
 4. Assess the adequacy of staffing levels during different shifts
 5. Assess whether monitoring technology should be added or augmented to supplement supervision by staff
- The review team will prepare a report of its findings, make any necessary recommendations for improvement, and submit the report to the Administrator/PREA Coordinator. The Administrator will either implement the recommendations for improvement, or document the reasons for not implementing them.
- S. False Reporting:** Substantiated deliberately malicious or false reporting by youth or other parties will result in disciplinary action or criminal charges. If a report was made in good faith and based upon a reasonable belief that the alleged conduct occurred it is not considered false reporting or lying, even if an investigation does not establish evidence sufficient to

substantiate the allegation.

- T. **Data Collection:** The Center will collect accurate, uniform data for every allegation of sexual abuse at the facility. The data will be collected from incident reports, investigation files, and sexual abuse incident reviews. The Administrator will prepare, approve, and report this data to the Bureau of Justice and the State PREA Coordinator at least annually, and as requested to the Montana Department of Corrections in a timely manner.
 - 1. Data collected will be used to improve the effectiveness of the Center's sexual abuse prevention, detection, and response policies, procedures, and training.
 - 2. The data will identify problem areas, and help in the preparation of corrective action plans, as well as compare data from year to year.
 - 3. The Center will publish the yearly reports of aggregated sexual abuse on the County website, as long as the materials do not present a clear and specific threat to the safety and security of the Center. All personal identifiers will be removed prior to making the data available publicly.
 - 4. Sexual abuse data will be retained for at least 10 years after the date of initial collection.
- U. **Retention of Records:** The Center will retain all records in regards to internal and criminal investigations related to abuse for as long as the alleged abuser is incarcerated or employed by the facility, plus five years, unless the abuse was committed by a youth and applicable law requires a shorter period of retention. Records will be maintained in locked file cabinets with access limited to Administration.
- V. **Upgrade to Facilities and Technologies:** When designing, or planning any substantial expansion/modification of the facility, the Center will consider the effect of the design, expansion, or modification upon the Center's ability to protect youth from sexual abuse. When installing or updating video/audio surveillance systems, the Center will consider how the technology may enhance the Center's ability to protect youth from sexual abuse.